REMARKS

In the Office Action, restriction of this application has been required under 35 USC §121 as between claims 1-82 of this application drawn to a clear coat film that is further coated with at least two discontinuous metal island layers, and claims 83-108, drawn to a method of making articles comprised of a clear coat film that is further coated with at least two discontinuous metal island layers.

According to the Office Action, the inventions are distinct from each other, and the inventions of Group I and Group II are related as process of making and product made. All of the claims of the present application relate to a clear coat film that is further coated with at least two discontinuous metal island layers. Thus, Applicants contend that a search of such product and a process of making said product would not be unduly burdensome upon the Examiner as any search for one of the two identified groups of claims will necessarily entail a search for the subject matter of the other group of claims. Thus, a simultaneous search for all of the standing claims is believed not to constitute an unreasonable search for the Patent Office. It is believed that the objectives of streamlined examination and compact prosecution of patent applications will be promoted if a search is conducted simultaneously for all of the claims. Also, the necessity of filing multiple patent applications for the claims in this case does not serve to promote the public interest due to the extra expense that is involved in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in differing patents that otherwise could be found in a single issued patent and underlying file history. Likewise, it is submitted to be unfair to these Applicants to incur the expense of prosecuting multiple patent applications where the assertedly differing groups of claims are so

closely interrelated to one another. Accordingly, it is respectfully submitted that the requirement for restriction in this case is improper and should be withdrawn, and that examination on the merits of all of the claims should proceed. Favorable reconsideration of the restriction requirement is respectfully requested.

Furthermore, the Examiner has indicated on page 3, paragraph 7 of the Office Action that claims 1, 50, 61, 83 and 102 are generic. Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Although Applicants respectfully traverse the restriction and while Applicants believe that all of the claims in this application should be examined together for the reasons stated above, Applicants recognize that 37 CFR §1.143 requires that a provisional election among the identified groups of claims must be made in this response in order for the response to be deemed complete. Accordingly, without waiving the request for reconsideration for the reasons set forth above, Applicants hereby provisionally elect with traverse to prosecute in this application the subject matter of Group I, claims 1-82 and elect the species wherein the formable clear coat film is a fluoropolymer, the metal in the first discontinuous layer of metal islands is tin, and the metal in the second discontinuous layer of metal islands is indium. This election applies with respect to all claims 1-82.

Applicants reserve the right to file subsequent divisional applications. However, according to PTO guidelines published in the Official Gazette on February 28, 1996 in response to In re Ochiai and In re Brouwer:

> [W]here product and process claims are presented in the same application, applicant may be called upon under 35 U.S.C. § 121 to elect claims to either the product or the process. The claims to the non-elected invention will be withdrawn from further consideration. However, in the case of an elected product claim, rejoinder will be permitted when a product claim is found allowable and the withdrawn process claim depends from or otherwise includes all of the limitations of an allowed product claim.

Applicants' process claims of the present invention, claims 83-108 of Group II depend from or otherwise include all of the limitations of the product claims, and in light of the PTO guidelines these claims should be considered in the present application upon allowance of the product claims. Therefore, reconsideration of claims 83-108 of Group II is requested at that time.

In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance and reconsideration is requested. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,

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